

### **REMARKS/ARGUMENTS**

This paper is submitted in response to the Office Action mailed March 8, 2005. In the Office Action, claims 1-7, 9, 13-16, 18-24, and 26-35 were rejected under 35 U.S.C. §102(b) as being anticipated by Burnard, et al. (United States Patent No. 5,320,379). Claims 8 and 25 were rejected under 35 U.S.C. §103(a) as being obvious over Burnard in view of Morita (United States Patent No. 5,195,774). Claims 10, 11, 12, and 17 were rejected under 35 U.S.C. §103(a) as being obvious over Burnard.

By this paper, claims 19, 22, and 26-28 have been amended. In view of these amendments and the following remarks, immediate allowance of claims 1-35 is respectfully requested.

### **EXAMINER'S INTERVIEW**

Applicants thank the Examiner for the telephonic interview of May 23, 2005 with Applicant's attorneys. During the interview, Applicants asserted that the claims as presented are not anticipated by United States Patent No. 5,320,379 to Burnard, because Burnard does not disclose a mounting device comprising a mounting plate integrally formed with a retention device. In response, the Examiner acknowledged that the Examiner had not seen anything like the invention and appeared to acknowledge that the claimed invention was not anticipated by the cited art, but asserted that the claims as written are "too broad." The Examiner suggested that the claims be amended to include additional structure to overcome the prior art. In conclusion, no agreement was reached.

### **REJECTION OF CLAIMS 1-7, 9, 13-16, 18-24, AND 26-35 UNDER 35 U.S.C. §102(b)**

In the Office Action, the Examiner rejected claims 1-7, 9, 13-16, 18-24, and 26-35 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,320,379 to Burnard et al. (hereinafter "Burnard"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (Aug. 2001) (*quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d

1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Id.* (quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

All of the pending claims of the present application include the features of an inflator having a flange and a mounting plate having an integrally formed retention device which secures the inflator to the mounting plate. Claim 1 is exemplary of the pending claims. Claim 1 provides a “mounting device comprising a retention device integrally formed with a mounting plate.” Applicants respectfully assert that Burnard does not disclose, teach, or suggest this claim language.

MPEP §2111 states that “The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.” Citing *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). A plate is defined by *Webster’s New World Dictionary* (4th ed.) as “a smooth, flat, relatively thin piece of metal or other material.” In comparison, Burnard in column 2, lines 37-39, describes the retainer ring 20 as having “an annular reentrantly folded peripheral edge flange that is crimped about the flange 14 of the inflator 10.” In contrast, Burnard also discloses a separate “mounting plate 32” which is a smooth, flat, relatively thin piece of metal or other material. Therefore, Applicants respectfully assert that the retainer ring 20 of Burnard does not include a mounting plate as would be understood under the broadest reasonable interpretation reached by those of skill in the art. Thus, Burnard does not teach each and every element of claims 1-7, 9, 13-16, 18-24, and 26-35 and consequently, does not anticipate claims 1-7, 9, 13-16, 18-24, and 26-35.

Furthermore, claim 1 provides that “the first retention device snaps into engagement with the flange in response to motion of the flange toward the mounting plate to secure the flange in a manner that resists nondestructive disassembly.” Burnard does not disclose, teach, or suggest that first retention device snaps into engagement with the flange in response to motion of the flange toward the mounting plate to secure the flange in a manner that resists nondestructive

disassembly. Instead of snapping into engagement with flange 14, Burnard teaches that spring fingers “pass through complementary slots in the circular mounting flange of the inflator.” Burnard, col. 1, lines 57-59.

Moreover, Burnard expressly states in column 2, lines 42-46 that “The mounting plate 32 has a circular aperture 34 with a plurality of notches 36 complementary to the position, size and configuration of the clips 18 on the retainer ring 20 for the acceptance thereof in snap-in relationship.” Furthermore, Burnard teaches that “the spring fingers 18 of the retainer ring 20 snap into the complementary apertures 36 in the mounting plate 32.” Burnard, col. 2, lines 57-60. In other words, “The fingers of the retaining ring snap into complementary detents in the mounting plate as the inflator/airbag assembly is pressed thereagainst.” Burnard, col. 1, lines 66-68.

Burnard clearly teaches that the inflator 10 is attached to the retainer ring 20 “by first crimping a flange 38 on the retainer ring 20 about the flange 14 of the inflator 10 with the spring fingers 18 of the retainer ring 20 extending through the apertures 16 of the flange 14” and not by the spring fingers 18. Burnard, col. 2, lines 47-51. Additionally, Burnard teaches that the retainer ring 20 “is secured to a circular radially extending flange of the inflator as by ...welding in strategic locations.” Thus, Burnard is teaching that the “airbag inflator [has] a plurality of clips that are engageable with a mounting plate” and not a mounting plate integrally formed with a retention device that snaps into engagement with the flange of the inflator. Burnard, abstract.

In reference to independent claim 33 and dependent claims 2, 7, 21, and 34, these claims provide that a retention device or rigid retainer grip the flange of the inflator. The Application provides on page 8 lines 22-23 that “The term “grip” refers to items that are in direct physical contact with each other, wherein one item holds the other firmly.” Applicants respectfully assert that Burnard does not disclose, teach, or suggest that a retention device or rigid retainer grip the flange of the inflator which is clear from the Figures and text of Burnard. Therefore, Burnard does not anticipate these claims.

In reference to independent claims 26 and dependent claims 6, 7, 16, 24, 28, 32, and 35, these claims all disclose a “rigid retainer.” Applicants respectfully assert that Burnard does not disclose, teach, or suggest a rigid retainer. Additionally, the Examiner has not identified or

asserted that Burnard disclose, teach, or suggest a rigid retainer. Therefore, Burnard does not anticipate these claims.

In reference to dependent claims 19 and 22, these claims provide a “retention surface disposed at an angle with respect to the planar surface such that urging withdrawal of the inflator from the mounting plate does not induce flexure of the retention devices from the natural configuration that permits withdrawal of the flange.” Applicants respectfully assert that Burnard does not disclose, teach, or suggest such a retention surface as disclosed in claims 19 and 22. Additionally, the Examiner has not identified or asserted that Burnard disclose, teach, or suggest such a retention surface.

For the reasons stated above, Burnard does not anticipate claims 1-7, 9, 13-16, 18-24, and 26-35, and Applicants respectfully request that this rejection be withdrawn. Consequently, withdrawal of this rejection is respectfully requested.

#### REJECTION OF CLAIMS 8 AND 25 UNDER 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 8 and 25 under 35 U.S.C. §103(a) as being unpatentable over Burnard in view of United States Patent No. 5,195,774 to Morita (hereinafter “Morita”). This rejection is respectfully traversed.

MPEP §2143 provides that a *prima facie* case of obviousness is established only if the Examiner shows that (1) there is some teaching, suggestion, or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) there is a reasonable expectation of success; and (3) the prior art teaches or suggests all of the claim elements. As discussed above, Applicants respectfully assert that Burnard does not teach or suggest all of the elements of claims 1 and 20, from which claims 8 and 25 respectfully depend. Additionally, Morita does not teach or suggest all the elements of claims 1 and 20 discussed above.

Furthermore, claims 8 and 25 provide “the mounting device comprises a periphery having one or more mounting holes to facilitate installation of the mounting device in a vehicle.” MPEP § 2143.01 provides that “If [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or

motivation to make the proposed modification.” Applicants respectfully assert that the proposed modification of Burnard in view of Morita would render the retainer ring 20 of Burnard unsatisfactory for its intended purpose. Therefore, there is no motivation to make the proposed modification of Burnard in view of Morita.

Specifically, the Examiner is asserting that the retainer ring 20 is the mounting plate of claims 8 and 25. However, the intended purpose of the retainer ring 20 of Burnard is to attach the inflator 10 to the mounting plate 32. If the retainer ring 20 of Burnard were modified to comprise a periphery having one or more mounting holes to facilitate installation of the mounting device in a vehicle, then the mounting plate 32 is unnecessary and the modified retainer ring no longer needs to attach the inflator 10 to the mounting plate 32. Thus, there is no motivation to establish the *prima facie* obviousness of claims 8 and 25.

Additionally, MPEP § 2144.04 states “Note that the omission of an element and retention of its function is an indicia of unobviousness.” Citing *In re* Edge, 359 F.2d 896, 149 USPQ 556 (CCPA 1966). One significant difference between Burnard and the claimed invention is that Burnard requires more parts and more steps in assembly. The present invention only requires two parts to attach the inflator to a mounting plate. Burnard on the other hand requires three parts; a retaining ring 20, an inflator 10 having a flange 14, and a mounting plate 32. This is in addition to the airbag structure 30 which is positioned between the inflator 10 and the mounting plate 32.

In order to assemble the present invention it is only necessary to snap the inflator onto the mounting plate. See e.g., specification, page 11, lines 11-22. Conversely with Burnard, it is first necessary to place the flange of the inflator on the retaining ring 20 and then crimp or weld the flange 38 of the retaining ring 20 onto the flange of the inflator 10. See *above*. The spring fingers 18 are then positioned such that they extend through the apertures 16 of the inflator 10 and through the cut out portions 42 of the air bag central aperture. Finally the spring fingers 18 are snapped into the apertures of the mounting plate 32. Clearly this process is more complex, labor intensive, and expensive than simply snapping the inflator onto the mounting plate as set forth in the present application and claimed in the pending claims. Thus, this omission of the retainer ring from the present invention is indicia of unobviousness.

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For these reasons, claims 8 and 25 are patentable over Burnard in view of Morita. Therefore, withdrawal of this rejection is respectfully requested.

REJECTION OF CLAIMS 10, 11, 12, AND 17 UNDER 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 10, 11, 12, and 17 under 35 U.S.C. §103(a) as being unpatentable over Burnard. This rejection is respectfully traversed. As discussed above, Applicants respectfully assert that Burnard does not teach or suggest all of the elements of claims 1 and 14, from which claims 10, 11, 12, and 17 respectfully depend. Therefore, claims 10, 11, 12, and 17 are patentable over Burnard. Thus, withdrawal of this rejection is respectfully requested.

Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

  
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